

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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In re: EPHEDRA PRODUCTS LIABILITY : 04 M.D. 1598 (JSR)  
LITIGATION :  
:  
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PERTAINS TO ALL CASES

STATUS ORDER (INCLUDING CASE MANAGEMENT ORDER NO.43)

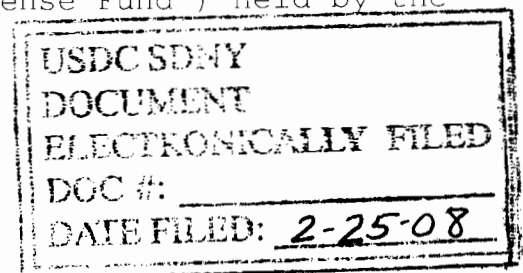
JED S. RAKOFF, U.S.D.J.

At the monthly status conference held on February 7, 2008, the Court made the following rulings, which are hereby confirmed (and in some instances modified and supplemented) as follows:

1. The next status conference will be held as previously announced at 4:30 pm on Thursday, March 6, 2008.

2. The Court granted as unopposed the motion by MuscleTech Research and Development Inc. to dismiss with prejudice Baker v. Muscletech, No. 06 Civ. 4655; Guzman v. Muscletech, No. 06 Civ. 4421; Hochberg v. Muscletech, No. 06 Civ. 2989; and Osborne v. Muscletech, No. 06 Civ. 4719.

3. With the consent of Plaintiffs' Coordinating Counsel ("PCC"), the Court granted the request of Defendants' Coordinating Counsel ("DCC") to change defendants' share of the Special Master's invoices to 25%, so that, beginning with the first quarter of 2008, 75% will be paid by the Ephedra Plaintiffs' Common Expense Fund (the "Expense Fund") held by the



Clerk pursuant to Case Management Order No. 7 ¶ 2(a). The division among defendants of their 25% share and of the fees and expenses of Defendants' Liaison Counsel incurred in the first quarter of 2008 shall be as follows:

|   |         |
|---|---------|
| Body Dynamics / BDI Pharmaceuticals   | 40%     |
| CVS Pharmacy, Inc. / CVS Pharmacy<br>Store #3639 / Eckerd Corporation   | 20%     |
| Garden State Pharmaceuticals / NFI<br>Consumer Products / NFI Dietary<br>Supplements / Nutrition & Fitness<br>Inc. / Vitaquest International LLC /<br>Vitaquest International, Inc. | 20%     |
| Rexall Sundown / RS OLDCO / RL OLDCO<br>/ Richardson Labs   | 20%     |
|   | 100.00% |

4. The Court approved modifications suggested by the DCC to a draft order that had been circulated by the Special Master directing the Clerk to mark as closed for administrative purposes 243 cases that were included in the global settlement contained in the Metabolife reorganization plan. The order as modified was separately entered on February 8, 2008.

5. The Court granted the PCC's motion filed on December 6, 2007, as amended by the Declaration of Russell S. Briggs filed on January 16, 2008, for reimbursement from the Expense Fund in the amount of \$533,041.72.

SO ORDERED.

A handwritten signature in black ink, appearing to read 'JED S. RAKOFF', is written over a horizontal line.

JED S. RAKOFF, U.S.D.J.

Dated: New York, New York  
February 20, 2008